

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUTH SARIT (on behalf of herself and others
similarly situated),

Plaintiff(s),

vs.

CASE NO.: 1-18-cv-11524-RA

WESTSIDE TOMATO, INC. d/b/a ARTE CAFÉ;
ROBERT MALTA; MARC [LNU]; ERNESTO
MATIAS LOPEZ; JOHN DOES 1-50 (principals,
owners, managers, employees, representatives, and/
or agents, partners, officers, directors, and/or holders
of controlling interests in Arte Café),

CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

Defendants.

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RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. All parties [consent / do not consent] to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. *[If all parties consent, the remainder of the Order need not be completed at this time.]*
2. The parties [have / have not] engaged in settlement discussions.
3. This case [is / is not] to be tried by a jury.
4. No additional parties may be joined after March 13, 2020 without leave of the Court.
5. No amendments to the pleadings may be made after March 13, 2020 without leave from the Court.
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than December 28, 2019 *[Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).]*
7. All fact discovery is to be completed no later than March 13, 2020. [A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.]
8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in Paragraph 7 above.

- a. Initial requests for production of documents shall be served by December 28, 2019.
 - b. Interrogatories shall be served by December 28, 2019.
 - c. Depositions shall be completed by March 13, 2020.
 - d. Requests to Admit shall be served no later than February 1, 2020.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by April 23, 2020. [The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]
10. All discovery shall be completed no later than April 30, 2020.
11. The Court will conduct a post-discovery conference on _____ at _____. No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the actions.
12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
- a. ____ Referral to a Magistrate Judge for settlement discussions.
 - b. X Referral to a Southern District's Mediation Program. [*Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, et seq., are designed for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 13(b).*]
 - c. ____ Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred, and their present best estimate length of trial is 4 days.

SO ORDERED.

Dated:

New York, New York

Ronnie Abrams
United States District Judge